

**YADKIN COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION MINUTES  
Tuesday, July 5, 2011**

The Yadkin County Board of Commissioners met in Regular Session on Tuesday, July 5, 2011, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

**Present were:**

Chairman Kevin Austin  
Vice Chairman Frank Zachary  
Commissioner Gilbert Hemric  
Commissioner Marion Welborn

**Absent was:**

Commissioner David Moxley

**Staff present:** County Attorney, Bobby Sullivan; County Manager, Aaron Church; Assistant County Manager/Finance Officer, Lisa Hughes; and Deputy Clerk to the Board, Tanya Gentry.

**INVOCATION** led by County Manager Aaron Church.

**CALL TO ORDER** by Chairman Austin at 7:03pm.

**PLEDGE OF ALLEGIANCE** led by Chairman Austin.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

The Board was requested to add an agenda item authorizing the Finance Officer to pay invoices from line items that do not have sufficient FY10-11 funds in them. The Board was requested to add contracts for the Health Department that have expired. Monecia Thomas, Health Director, asked the Board to approve the continuation of these necessary contracts tonight. The contracts can then be renegotiated and changed as needed. She stated that all but three of the contracts are renewals that are identical to previous years. The Board was requested to add contracts for the DSS Department that have expired. Eddie Wooten, DSS Director, stated these contracts are needed for the continuation of services. He asked for the Board to authorize the services to continue until the approval process can be completed. Chairman Austin stated, if the Board approved, the requested items could be added as numbers 8 through 10 under Board Action. **Vice Chairman Zachary made a motion to adopt the agenda with the noted changes.**

**Commissioner Hemric second.**

**Vote: 4/0.**

**PUBLIC COMMENTS**

1) None.

Chairman Austin closed the Public Comments portion at 7:12pm.

**APPROVAL OF MINUTES**

**Vice Chairman Zachary made a motion to approve all sets of minutes. Commissioner Hemric second.**

**Vote: 4/0.**

## **REPORTS/REQUESTS OF THE BOARD**

- 1) None.

## **CONSENT AGENDA**

**Commissioner Welborn made a motion to approve the consent agenda. Commissioner Hemric second.**

**Vote: 4/0.**

- 1) Adopt Retirement Benefits.
- 2) Authorize Yadkin County Swim Team Association to use County Pool for a Flat Fee.
- 3) Approve Contract with Teresa Odell to Clean Sheriff's Office.
- 4) Reappoint Andy Anderson to the Surry Community College Board of Trustees.
- 5) Appoint Phyllis Adams to the Juvenile Crime Prevention Council.
- 6) Establish Standards for Part-Time Employee Performance Evaluations.

## **PUBLIC HEARING/ACTION TO SET PUBLIC HEARING**

- 1) None.

## **BOARD ACTION**

- 1) Adopt Amended FY11-12 Budget Ordinance to Update EMS Vacant Positions. EMS being an exception to the FY11-12 hiring freeze was left off of Section 11. The reason that EMS should be exempt from the hiring freeze is because four of their positions were eliminated in the FY11-12 Budget and Keith Vestal's previous position of Training Officer has not been filled and is frozen. EMS cannot afford to lose any more positions. Keith Vestal stated that he has an employee who has resigned so he will have a vacancy that will need to be filled. **Vice Chairman Zachary made a motion to adopt the amended FY2011-2012 Budget Ordinance. Commissioner Welborn second.**  
**Vote: 4/0.**
- 2) Approve Single Family Rehabilitation Contracts. The grant money to be used for these contracts is through the NC Housing and Finance Agency. The contracts have been removed from previous agendas due to the need for further review. Christopher Ong addressed the Board. He had Mr. Smith-Overman, with the NCHFA, review the contracts. Mr. Smith-Overman said in an email to Christopher Ong that the contracts look fine overall. He has provided the County with some suggestions for minor changes that would apply to all of the contracts. The suggested changes have not been made to the contracts yet. Mr. Ong spoke with Michael Kepley, from Hobbs and Upchurch, about the changes today. Mr. Kepley addressed the Board. He stated the Single Family Rehabilitation program operates on a three year cycle. He served as the Project Manager of the SFR07 Program. County Manager Church asked Mr. Kepley if all Federal and State and applicable rules, laws, and regulations have been met and Mr. Kepley stated yes. He said they have been through monitoring visits on several programs and all of the programs they administer follow the same protocols. The Board wants to be assured that everything has been done correctly on these contracts and that the funds are available. County Manager Church asked Mr. Kepley what the deadline is for the Board to approve these SFR contracts and Mr. Kepley said he believes the funds reserved for a unit surrenders at 180 days if nothing is done. He thinks the 180 day count starts on the day the funds are reserved for that unit by the NCHFA. County Manager Church asked Mr. Kepley how many days it has been since the funds were reserved and Mr. Kepley stated he did not have that information with him but could find out and let the County know. Mr. Kepley stated that Deed of Trust's have been recorded for these homes and work is ready to begin. Once work begins, there are different ways that the invoices can be paid. One way is for the County to pay the invoices out of the General Fund and then Hobbs and Upchurch will requisition for grant funds to reimburse the County. If the County does not want to pay the

invoices out of its General Fund and have to wait for reimbursement, an advance payment can be made from the grant fund. Funds can be requisitioned and drawn down into a Capital Projects Fund account the County has setup. The County would have three days to make the payment. If the payment is not made on time there is a penalty and there could be audit findings. The Board needs to consider what the best payment option is. County Manager Church asked Mr. Kepley if it was possible the funds for this project had already expired. Mr. Kepley stated that the NCHFA would notify Hobbs and Upchurch when the funds were about to expire. Commissioner Hemric asked Mr. Kepley approximately how far in advance of the funds expiring they were notified and Mr. Kepley was not sure. Mr. Kepley said they had never had an issue where funds were about to expire so he was not sure of when that warning notification would be made. Mr. Kepley said when he returned to the office he would be able to check and see when the funds will expire. The consensus of the Board was to take no action on these contracts tonight and place them on the Agenda for the July 18, 2011 Board Meeting.

- 3) Approve CDBG Scattered Site Housing Grant Rehabilitation Contracts. The grant money to be used for these contracts is through the Department of Commerce. The contracts have been removed from previous agendas due to the need for further review. County Manager Church asked Mr. Kepley if all Federal and State rules and regulations have been met with these contracts and Mr. Kepley replied yes. He said they follow the same protocols on this program as they do on their other programs and have successfully completed audits by the funding agency. Funding has been secured for these contracts and work can begin when the contracts are approved. A Deed of Trust has been recorded for the CD Concepts contract. The Ace Homes contract is an emergency repair that does not require a Deed of Trust be signed. The two payment options are the same for this grant as they are for the Single Family Rehabilitation grant. The County can receive reimbursement or an advance payment. Mr. Kepley stated this grant does not have the 180 day expiration date. County Manager Church asked Mr. Kepley when this grant expires and he stated it would not expire until 2012. The bids are good for 60 days; after that the contractor does not have to honor them.

The two programs discussed tonight are different in what they are designed to do. The Scattered Site Housing program addresses health and safety issues. The Single Family Rehabilitation program addresses energy efficiency measures as well as health and safety issues. Mr. Kepley stated that Duke Energy also has a pool of money that the County can access, for Duke Energy customers, to make energy efficient repairs that can piggyback with either the Single Family Rehabilitation program or the Department of Commerce funding program. The Duke Energy funds vary depending on what is being done to the house but the County could possibly access as much as \$10,000.00.

County Manager Church stated the Department of Commerce was invited to send one or more representatives tonight to address any questions that came up but they were not able to send anyone. The Program Director is available to come either August 1, 2011 or August 15, 2011. The Board can choose to wait until the Department of Commerce is present to answer questions before approving these contracts. The consensus of the Board was to take no action on these contracts tonight and place them on the Agenda for the July 18, 2011 Board Meeting.

County Manager Church asked Mr. Kepley, or another representative from Hobbs and Upchurch, to attend the July 18, 2011 Board Meeting to answer questions regarding the contracts they administer for us. Either County Manager Church or Christopher Ong will notify Mr. Kepley of the information Hobbs and Upchurch needs to provide to the Board.

- 4) Approve Contract with Workforce Carolina. The Parks and Recreation Department had someone retire and, instead of asking to hire a fulltime employee, Jason Walker would like to be able to use temporary help on an as needed basis. Lisa Hughes stated it was difficult for Jason Walker to

find a temp agency who would provide temporary workers to do grounds maintenance due to safety issues. The addendum to the WorkForce Carolina contract states the County has to cover the Workers Comp for any Workforce Carolina employee who performs grounds maintenance work. Insurance Agent Mark Brandon stated it is fine for the County to pick that up. **Vice Chairman Frank Zachary made a motion to approve the Workforce Carolina contract, pending County Attorney approval, and authorize the County Manager to sign the contract and to approve the budget amendment. Commissioner Hemric second.**  
**Vote: 4/0.**

- 5) Approve Contract with All Star Rental. The County has used this company for over 10 years. Jason Walker would like to get the company's standard contract approved so equipment could be rented as needed without having to come before the Board for contract approval each time something needs to be rented from them. The County Manager would need to be authorized to sign the All Star Rental agreements. The County Attorney has reviewed the rental agreement and has some concerns about it. Jason Walker spoke with All Star Rental about making changes to it but that is their standard agreement and they are not willing to change it. The consensus of the Board was to discuss the Attorney's concerns in closed session.
- 6) Adopt Resolution to Set Minimal Tax Amount at \$5.00. Phyllis Adams requested that the Tax Office be allowed to not bill, or attempt to collect, taxes that are \$5.00 or less. The Tax Office will keep a record of all the minimal taxes and report it to the Board of Commissioners at the annual settlement. Chairman Austin read the resolution. It states:

#### **RESOLUTION**

#### **AMENDMENT**

WHEREAS, The North Carolina General Statutes 105-321(f) authorizes the governing board of a taxing unit to adopt a resolution to forego the collection of tax bills that do not exceed a certain amount, up to \$5.00.

WHEREAS, The North Carolina General Statutes 105-321(f) directs the governing boards to set the amount of the minimal tax at the estimated cost to the taxing unit of preparing and mailing the tax receipt or notice but not to exceed the \$5.00 maximum.

WHEREAS, By Resolution, the Governing Body directs the tax collector not to send taxpayers a bill for minimal taxes or attempt to collect them. The collector is directed, however, to keep a record of minimal taxes by receipt number or name and amount and to report the amount of such taxes to the governing board at the annual settlement. Minimal taxes do not become a lien on real property, and they are not charged to the tax collector or included in the tax levy.

THEREFORE, BE IT RESOLVED: by the Board of Yadkin County Commissioners that we do hereby Amend the Resolution adopted in 2005 and set the minimal tax amount at \$ 5.00 and the tax collector is not to send taxpayers a bill for the minimal tax or attempt to collect them. The collector is also directed to keep a record of the minimal taxes by receipt number or name and the amount and to report the amount of such taxes to the Board of Commissioners at the annual settlement.

That this Amended Resolution will become effective on the first day of the following month of the adoption of this Resolution and will continue in effect until repealed or amended by resolution of the taxing unit.

Adopted this 5th day of July, 2011.

**Commissioner Welborn made a motion to adopt the Resolution Amendment.**

**Commissioner Hemric second.**

**Vote: 4/0.**

- 7) Authorize Animal Control to Advertise For and Hire an Animal Control Officer 1. The County Manager requested that an Animal Control Officer 1 position be unfrozen. Animal Control has one frozen position already and an employee has accepted a job in Surry County. Having two frozen positions will cut their workforce in half. Allowing the Animal Control Director to fill the Animal Control Officer 1 position will keep their staffing level at its current 75%. One position will remain frozen. **Vice Chairman Zachary made a motion to unfreeze the position and authorize the advertisement and hiring of the Animal Control Officer 1 position.**

**Commissioner Welborn second.**

**Vote: 4/0.**

- 8) Authorize Finance Officer to Pay FY10-11 Invoices. Finance Officer Hughes has received some invoices from last fiscal year and the line items these invoices are charged to do not have sufficient funds in them. Budget Amendments or Fund Transfers cannot be brought to the Board for approval for a fiscal year that has already ended. Even though the fiscal year ended, the County is still receiving invoices from last fiscal year and has up to 90 days to process and pay them. Lisa Hughes is asking for all of last years invoices to be turned in by July 31, 2011. The County is not allowed to pay these invoices out of the current year's budget. Many of the invoices are for Fuelman. Fuel can be hard to budget accurately and we had departments who under-budgeted for it. If Fuelman is not paid, they will cut the County's cards off so they can't be used. She is requesting permission from the Board to pay these invoices. **Commissioner Welborn made a motion to authorize the Finance Officer to pay these invoices and any FY10-11 invoices that arrive after today and provide the Board with a report. Vice Chairman Zachary second.**

**Vote: 4/0.**

- 9) Health Contracts.
- a. NorthWest Community Care.
  - b. Yadkin Valley Pharmacy.
  - c. UNC Chapel Hill Clinical Affiliation.
  - d. Women, Infants and Children Program Agreement.
  - e. North Carolina Public Health Alliance.
  - f. Yadkin Valley Community Hospital Breast & Cervical Cancer Control Prevention Program.
  - g. Yadkin Valley Community Hospital Radiology.
  - h. Yadkin Valley Community Hospital Laboratory.
  - i. Hugh Chatham Memorial Hospital.
  - j. Yadkin River Radiology.
  - k. Yadkin Valley Community Hospital Dr. McGrath.
  - l. Lab Corp.
  - m. Dr. Stacy Sullivan.
  - n. Positive Reinforcement Nursing.
  - o. WorkForce Carolina.

Monecia Thomas addressed the Board. She stated that some of the contracts have been turned in to the approval process and some have not. She accepted full responsibility for these contracts not going through the approval process by the July 1, 2011 date. She requested the Board approve the contracts. All but three of them are the same contracts the Health Department has used in previous years. Over the next month or two, she believed the contracts could be renegotiated if needed. One contract that is different from previous years is the Yadkin Valley Pharmacy contract. Previously, they contracted with the pharmacy at the Hospital. A second contract that is different from previous years is the Lab Corp contract. In the past the Health

Department contracted with Wilkes Clinical Lab and that has been bought by Lab Corp. Lab Corp has agreed to use the same contract, offer the same prices, and provide the same services. The third contract that is different from previous years is the NorthWest Community Care contract. This is a new contract for the Health Department. NorthWest Community Care will provide Medicaid Case Management. The State has already contracted with them to provide this service. The remaining twelve contracts are renewals. She stated the only contract that would not hinder services would be the North Carolina Public Health Alliance; it is a contract they put in place in case they ever need to utilize them for temporary staffing needs. All of these contracts expired on June 30, 2011. The Health Department has notified each provider of the current situation and of the steps being taken. Most of them have been understanding. Chairman Austin stated the contracts will be discussed with the County Attorney in Closed Session and a decision will be announced after the Board comes out of Closed Session.

10) DSS Contracts.

- a. Yadkin Community Hospital.
- b. Maximus.
- c. Cape Fear Transportation.
- d. J Gregory Matthews, Attorney.
- e. Scan.
- f. Smart Start (3 Agreements).
- g. Memorandum for Domestic Violence Funds.
- h. Dennis Martin, Attorney.
- i. Zachary and Zachary, Attorney.
- j. YVEDDI.
- k. Ron Davis, Psychologist.
- l. Phillip Batten, Psychologist.

Eddie Wooten addressed the Board. He stated most of their contracts are on approved State forms. The three contracts that have to do with the receiving of funds are two of the contracts from Smart Start and the Memorandum for Domestic Violence Funds. The Memorandum for Domestic Violence Funds is an agreement that states if we accept their funds we will not use the money for anything other than domestic violence cases. Maximus is a contract for maintaining a system DSS uses to file for reimbursements from the State. YVEDDI and Cape Fear Transportation provide Medicaid eligible clients transportation and that is 100% federally funded. The rest are basically personal services contracts that fulfill a need DSS must provide to its clients. None of the contracts are unusual, they are renewals. One of the Smart Start contracts is for a lease; there are three DSS employees currently in that building. The list of contracts that were asked to be approved tonight are the services that DSS is required to provide to eligible clients and cannot be stopped. Eddie Wooten stated that all of the contracts added to tonight's Agenda have been submitted to the approval process.

**CALENDAR NOTES**

- 1) July 7, 2011 – Ice Cream Social from 3pm-5pm. Lisa Hughes stated she wanted to thank all of the employees who volunteered to make Ice Cream and donate supplies.
- 2) July 21, 2011 - Performance Appraisal Training from 10:00am to 12:00pm in the Board of Commissioners Room.
- 3) August 4, 2011 - Performance Appraisal Training from 10:00am to 12:00pm in the Board of Commissioners Room.
- 4) August 11, 2011 - Performance Appraisal Training from 10:00am to 12:00pm in the Board of Commissioners Room.
- 5) August 18, 2011 - Performance Appraisal Training from 10:00am to 12:00pm in the Board of Commissioners Room.

## **RECESS**

8:45pm to 9:05pm

## **MANAGER'S REPORTS/BOARD ACTION**

- 1) Consolidating of Space Update. The office relocations have begun. Employees and Community Service Workers have done a lot of hard work.
- 2) Jail Update. They are working on clearing the land for the jail expansion. Asbestos testing has been done on the house and we are waiting for those tests to come back before burning it down. The preliminary architectural plans have been completed and are available for viewing in the County Manager's Office. The plans will be presented to the Board at a public meeting.
- 3) Ethics Training/Fiscal Control and Budget Training. A tentative date of August 23, 2011 has been set for Ethics Training and Fiscal Control and Budget Training. Training will be provided by the School of Government. It may take two days.
- 4) Total Commitment Staff Retreat. Total Commitment is a commitment to have a Strategic Plan at a department head/administrative level. The County does not currently have one. Participation in coming up with the Plan is voluntary. The County Manager would like to plan a one or two day staff retreat somewhere in North Carolina. The staff retreat would be for discussing the past, present, and future and identifying ways we can do things better.

## **MANAGER'S BUDGET AMENDMENTS / NO ACTION REQUIRED**

- 1) None.

## **BOARD VACANCIES**

- 1) Nursing Home - Adult Care Home Community Advisory Committee has 2 Vacancies.
- 2) Criminal Justice Partnership Advisory Board has 1 Vacancy.

## **COMMISSIONER COMMENTS**

**Commissioner Hemric** thanked everyone for coming. He stated some of the questions that were asked tonight were pretty interesting. He appreciates Ms. Thomas and Mr. Wooten's having patience with tonight's proceedings.

**Commissioner Welborn** thanked everyone for coming. There were more people here than he thought there would be. He stated that we had a good turnout.

**Vice Chairman Zachary** appreciated everyone coming out. He hoped everyone had a good 4<sup>th</sup> of July and was glad to have Commissioner Welborn back with us tonight. Commissioner Moxley is on vacation now.

**Chairman Austin** stated he hoped everyone did enjoy the 4<sup>th</sup> of July. He saw Mr. Haynes out in the rain yesterday and the Sheriff. Something interesting about the celebration in Yadkinville this year was that it was the biggest crowd he had ever seen. Elkin canceled their celebration and so did Surry County. Yadkinville had a tremendous crowd because we did not cancel our celebration.

**Interim County Attorney Sullivan** had no comment.

**Chairman Austin made a motion to go into Closed Session pursuant to (1)(3)(4)(5)(6) NCGS 143-318.11(a) in order to discuss Personnel Matters and to Protect Personnel Information that is Confidential under NCGS 153A-98, and to discuss the potential Location or Expansion of Industries or other Businesses in the County, to Establish the County's Negotiating Position for Acquiring Real Property and to Instruct the County Staff on that Position, and to have a Privileged**

**Consultation with the County Attorney about the lawsuit of North Carolina Baptist Hospital vs. Hoots Memorial Hospital. Vice Chairman Zachary second.**  
**Vote: 4/0.**

(Note: The meeting was extended while in Closed Session.)

After a motion to come out of Closed Session was made and the Board was in Open Session,  
**Commissioner Welborn made a motion to waive the remaining EMS fee for the late Mr. Dye and his family. Vice Chairman Zachary second.**  
**Vote: 4/0.**

**Vice Chairman Zachary made a motion to direct the County Manager to draw up a resolution, and provide it to the Chairman for his signature by Thursday, to purchase the Post property for \$28,000.00 plus closing costs and the Shermer easement for \$3,000.00 plus closing costs for the purpose of developing a road at the 5-D Park. Commissioner Hemric second.**  
**Vote: 4/0.**

**Commissioner Hemric made a motion to authorize a budget amendment transferring \$5,200.00 from Mitigation to Land Purchase within the 5-D Capital Projects Fund. Commissioner Welborn second.**  
**Vote: 4/0.**

**Vice Chairman Zachary made a motion to authorize a contract with All Star Rental pending Insurance Agent approval. Commissioner Hemric second.**  
**Vote: 4/0.**

**Commissioner Welborn made a motion to authorize the County Manager to sign the following contracts, pending County Attorney approval, NorthWest Community Care; Yadkin Valley Pharmacy; Women, Infants and Children Program Agreement; Yadkin Valley Community Hospital Breast & Cervical Cancer Control Prevention Program; Yadkin River Radiology; and Yadkin Valley Community Hospital Dr. McGrath. Commissioner Hemric second.**  
**Vote: 4/0.**

**Vice Chairman Zachary made a motion to recess the meeting to 9:00am on Monday, July 11, 2011 in the Board of Commissioners Room. Commissioner Welborn second.**  
**Vote: 4/0.**



*Tanya Gentry*

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Prepared by Tanya Gentry  
Deputy Clerk to the Board

*7/18/2011*

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Date approved by the  
Yadkin County Board of Commissioners

*Kevin Austin*

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Kevin Austin, Chairman  
Yadkin County Board of  
Commissioners